

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Agenda September 13, 2016 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilman Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on August 23, 2016. (OFFICE OF THE CITY CLERK)
- B. Request permission to award Hialeah Bid # 2015-16-3230-00-019- *JFK Library- Terrazzo Floors Restoration*, to Exclusive Surfaces, Inc., lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$31,500. (DEPT. OF CONSTRUCTION & MAINTENANCE AND DEPT. OF GRANTS & HUMAN SERVICES)
- C. Request permission to waive competitive bidding, since it is advantageous to the City in that changes in the original scope of work will request an increase to the original purchase order amount, and increase purchase order # 2016-1927, issued to Black and White Services, Corp., for the exterior painting of the JFK Library, by an additional amount of \$9,200, in a total cumulative amount not to exceed \$18,000. (DEPT. OF CONSTRUCTION & MAINTENANCE AND DEPT. OF GRANTS & HUMAN SERVICES)
- D. Request permission to award the Miguelina Larrinaga Project Case # S-504 for property located at 661 East 7th Street, Hialeah, Florida, to AAB Affordable Services LLC, sole responsive bidder, in a total cumulative amount not to exceed \$39,303. The Department of Grants and Human Services is requesting to proceed with the award of this bid, despite receiving only one responsive bid because the homeowner has an emergency situation with a roof leak and electrical panel issues. (DEPT OF GRANTS & HUMAN SERVICES)
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-28, issued to Sunshine Communication Services, Inc., for emergency telephone services after regular hours, by an additional amount of \$15,000 in a total cumulative amount not to exceed \$30,000. (DEPT. OF PUBLIC WORKS)
- F. Request permission to pay Delta Business Solutions, LLC for the cost of color impressions from December 2012 to August 2016, in a total cumulative amount not to exceed \$19,606.68. On December 11, 2012 the City Council approved Resolution No. 2012-138 authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement for a term of four years with Canon Financial Services, Inc., for the lease of one Canon color copier for use at the Print Shop, including a maintenance agreement with Delta Business Solutions, however, the cost for color impressions were not invoiced by Delta Business Solutions since the beginning of the lease. (PURCHASING DIV.)
- G. Proposed resolution approving the City of Hialeah's State Housing Initiatives Partnership (SHIP) Annual Report for fiscal years 2013-2014, 2014-2015, and 2015-2016, attached hereto and made a part hereof as Exhibit "1"; authorizing the submission of the City of Hialeah's State Housing Initiatives Partnership (SHIP) Annual Report for fiscal years 2013-2014, 2014-2015, and 2015-2016 to the State Housing Initiatives Partnership (SHIP) Program; and providing for an effective date. (GRANTS & HUMAN SERVICES DEPT.)
- H. Proposed resolution approving an expenditure totaling an amount not to exceed \$44,121.00 from the Law Enforcement Trust Fund – *State*, to purchase twenty-one (21) ballistic protection vests, utilizing the State of Florida Department of Management Services Contract # DMS 680-850-11-1 with Federal Eastern International, Inc. and waiving competitive

bidding as it is advantageous to the City, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

- I. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2016-1687, issued to The Miami Herald, to pay for the cost of City's legal and classified advertisements for the remainder of this fiscal year, by an additional amount of \$9,000, for a new total cumulative amount not to exceed \$24,000. (OFFICE OF THE CITY CLERK)
- J. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same storage and service rates, and renew the contract with GRM Information Management Services of Miami, LLC, for a period of one year commencing on August 31, 2016 and ending on August 31, 2017, and further request permission to issue a purchase order to GRM Information Management Services of Miami, LLC., for the service of off premise storage of City records for fiscal year 2016-2017, in a total cumulative amount not to exceed \$30,000. On June 11, 2013 the City Council awarded Hialeah Bid # 2012/13-8500-60-025 – *Off Premise Storage of City Records* to this vendor, lowest responsive bidder. (OFFICE OF THE CITY CLERK)
- K. Request permission to utilize State of Florida Contract # 14111500-15-1 – *Paper: Office, Virgin and Recycled Paper*, and issue a purchase order to Mac Papers, Inc., for the procurement of paper supply for fiscal year 2016-2017, in a total cumulative amount not to exceed \$50,000 to be allocated throughout various City departments. (PURCHASING DIV.)
- L. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the original manufacturer of the pay-on-foot machine and currently provides the maintenance and the City is satisfied with the service provided, and enter into a new NowCare Premium Support Agreement with Amano McGann, Inc., for a period of three (3) years, commencing on October 31, 2015 and ending on November 1, 2018, and further request permission to issue a purchase order to this vendor, for the maintenance of the City Hall parking garage pay-on-foot machine for fiscal year 2016-2017, in a total cumulative amount of \$17,684. (PURCHASING DIV.)
- M. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Home Depot, to purchase operational supplies as needed for fiscal year 2016-2017, in a total cumulative amount of \$100,000, to be allocated through various City departments. (PURCHASING DIV.)
- N. Request permission to utilize State of Florida Contract # 618-000-11-1 – *Office and Educational Consumables*, and issue a purchase order to Office Depot, Inc., to purchase office supplies for fiscal year 2016-2017, in a total cumulative amount not to exceed \$175,000, to be allocated through various City departments. (PURCHASING DIV.)
- O. Request permission to extend the contract with East Continental Supplies, LLC, for a period of one (1) year commencing on October 1, 2016 through September 30, 2017, to purchase janitorial supplies, in a total cumulative amount not to exceed \$175,000, to be allocated through various City departments. On September 22, 2015 the City Council approved the award of Hialeah Bid # 2014/15-8500-12-008-*Janitorial Supplies*, to this vendor, for a

period of one year, with an option to renew for an additional one year period. (PURCHASING DIV.)

- P. Request permission to extend the contract with Royal “T” Screen Printing Corp., to purchase city-wide uniforms for fiscal year 2016-2017, in a total cumulative amount not to exceed \$75,000 to be allocated through various City departments. On August 12, 2014 the City Council approved the award of Hialeah Bid # 2013/14-8500-36-013 – *Uniforms* to this vendor, for a period of one year, with an option to renew for an additional one year period. (PURCHASING DIV)
 - Q. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Maga Hardware Distributors Inc., and Lowes Home Improvement, LLC, to purchase operational supplies, in an amount of \$40,000 to each vendor, to be allocated through various City departments. (PURCHASING DIV.)
 - R. A proposed resolution amending Hialeah, Fla. Resolution No. 2016-96 (August 23, 2016), which approved the Amended State Housing Initiative Partnership Program Local Housing Assistance Plan (LHAP) for fiscal years 2013-2014, 2014-2015, 2015-2016, and authorized the submission of the Amended Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation, to include specific facts and recitations regarding the cost of administering the Local Housing Assistance Plan, in compliance with Florida Statutes Section 420.9075(7) contained in the Preamble to Hialeah, Fl. Resolution No. 2016-96 (August 23, 2016); and providing for an effective date. (GRANTS & HUMAN SERVICES DEPT.)
 - S. Request permission to award Request for Proposal # 2015-16-8500-60-004 – *Leasing of Copiers and Copiers Support Services throughout City Offices in Hialeah* to Barlop Technology Solutions, LLC, highest ranked responsive and responsible proposer to offer the best value to the City, and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the contract in a form acceptable to the City Attorney, for a term of five (5) years commencing in the beginning of the 2017 fiscal year, for a cost of \$71,268.48 annually. (PURCHASING DIV.)
 - T. Request from ABC Promotions Unlimited, Inc., for a Christmas Tree Sales Permit, to benefit Hialeah Concerned Families, from November 15, 2016 through January 2, 2017, with set-up taking place from November 15, 2016 through November 17, 2016, sales taking place from November 18, 2016 through December 25, 2016 from 8:00 a.m. to 10:00 p.m., and take-down and clean up taking place from December 26, 2016 through January 2, 2017, to be located at 1460 West 49 Street, Hialeah, Florida. (OFFICE OF THE CITY CLERK)
3. Second reading and public hearing of proposed ordinance approving a five-year Lease-Purchase Agreement between the City of Hialeah, as lessee, and U.S. Bancorp Government Leasing and Finance, Inc., a Minnesota Corporation, as lessor, to finance the purchase of a 2016 thirty-two foot El Dorado EZ Rider II Passenger Bus, in the total amount of \$360, 364.29, including interest payments totaling \$19,964.29, at an annual interest rate of 2.640%, payable on a yearly basis beginning on December 1, 2016 and every first day of December thereafter for five years, in the amount of \$72,072.86; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Lease-Purchase Agreement, in substantial conformity with the Lease-

Purchase Agreement attached hereto and made a part hereof as Exhibit "1" and all other necessary documents in furtherance hereof; and providing for an effective date. (TRANSIT)

Item was approved on first reading by the City Council on August 23, 2016.

4. First reading of proposed ordinance amending Chapter 78 entitled "Solid Waste", Article III. Collection and Disposal, by revising Hialeah Code § 78-75 entitled "Removal of Waste by Private Agencies" and in particular, providing for an increase in the annual franchise fee from 21 percent of collected gross receipts to 25 percent of collected gross receipts, effective October 1, 2016 and subsequent years thereafter; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (DEPT. OF PUBLIC WORKS)
5. First reading of proposed ordinance amending Chapter 78 entitled "Solid Waste" Article V. Fees and Billing Procedures of the Code of Ordinances by revising Hialeah Code § 78-127 entitled "Amount of Charges" to provide a new subsection entitled "Annual Consumer Price Index Adjustment for Solid Waste and Recycling Services" to provide an annual Consumer Price Index adjustment to the fees for such services with any increase to be confirmed by resolution in compliance with state law notice requirements; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (DEPT. OF PUBLIC WORKS)
6. First reading of proposed ordinance establishing a temporary moratorium for a period of one hundred and eighty (180) days from the effective date of this ordinance on the acceptance, review, approval or issuance of any land development permits as the term is defined in Florida Statutes Section 163.3164(16), Business Tax Receipts, or any other license or permit for the establishment or operation of dispensing facilities within the City of Hialeah engaged in the on-site distribution, sale, delivery or retail of low-THC cannabis, medical cannabis or cannabis delivery devices pursuant to Sections 381.986 and 499.0295 of the Florida Statutes, in order to provide the City with an opportunity to review and enact regulations governing the establishment and operation of dispensing facilities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION)
7. Board Appointments –
8. Unfinished Business –
9. New Business –
10. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is

withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a variance permit to allow replatting of the property into three substandard lots according to site plan dated June 3, 2016 prepared by Alberto J. Corrales, P.E., to allow a duplex on each substandard-sized lot with a frontage of 45 feet, where at least 75 feet are required, to allow a total area of 4,500 square feet for lots 1 and 2 and 4,365 feet for lot 3, where a total area of at least 7,500 square feet is required for each lot, to allow a ground floor area of 950 square feet, where a minimum of 1,000 square feet is required, to allow a front setback of 15 feet for units 1 and 2, where 25 feet are required, to allow a north side setback of 4 feet for units 1 and 2, where 7.5 feet are required, to allow a front setback of 16 feet for unit 3, where 25 feet are required, to allow a north side setback of 4 feet for unit 3, where 7.5 feet are required, and to allow a corner side setback of 11.6 feet for unit 3, where 15 feet are required, contra to Hialeah Code §§ 98-544, 98-545, 98-546, and 98-548. **Property located at 491 East 11 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Bernardino N. Rodriguez and Adis Rodriguez*)

<i>Item was approved on first reading by the City Council on August 23, 2016. Second reading and public hearing was scheduled for September 13, 2016.</i>

<i>Item was approved by the Planning and Zoning Board on August 10, 2016.</i>

<i>Planner's Recommendation: Approval</i>

<i>Owner of Property: Bernadino & Adis Rodriguez, 404 Totolochee Drive, Hialeah, Florida 33010.</i>

- PZ 2.** Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2014-34 (June 10, 2014) that rezoned the property from GU (Interim District) to MH (Industrial District) and granted a variance permit to allow a temporary waiver of plat, provided that the property was replatted within 18 months from the grant of the waiver; rezoning from GU (Interim District) to MH (Industrial District); granting a variance permit to waive block size requirements, to allow off-street parking areas to be located within 10 feet from the property line, where off-street parking areas shall not be located within 20 feet from the property line, to allow 425 parking spaces, where 702 parking spaces are required, and to allow a waiver of plat, provided that the property will be replatted within 18 months from the approval of this ordinance, contra to Hialeah Code §§ 98-1601(b), 98-1601(f)(5) and 98-2189(6). **Property located on a vacant parcel of land lying north of Northwest 138 Street between Northwest 105 Avenue and Northwest 107 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Gloria M. Velazquez, Esq. on behalf of Flightway Fourteen, LLC.*)

<i>Item was approved on first reading by the City Council on August 23, 2016. Second reading and public hearing was scheduled for September 13, 2016.</i>

<i>Item was approved by the Planning and Zoning Board as recommended on August 10, 2016.</i>
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<i>Planner's Recommendation: Approve subject to supplementing the application with requested information.</i>

<i>Registered Lobbyist: Alejandro J. Arias, Esq., Hugo P. Arza, Esq., Juan J. Mayol, Jr., Esq. And Gloria M. Velazquez, Esq., Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131.</i>

<i>Owner of Property: Flightway Fourteen, LLC, 890 South Dixie Highway, Coral Gables, FL.</i>

- PZ 3.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District) and granting a variance permit to allow a duplex on each substandard-sized lot with each lot having a width of 50 feet, where at least 75 feet are required, to allow a total area of 6,750 square feet, more or less, where a total area of at least 7,500, is required, to allow a lot coverage of 34.1%, where a maximum of 30% is required, to allow a front setback of 10 feet, where 25 feet are required, and to allow a corner side setback of 10 feet, where 15 feet are required, contra to Hialeah Code §§ 98-544, 98-2056(b)(2), 98-545 and 98-546. **Property located at 2070 East 6 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Richard Hidalgo and Robert Fernandez*)

<i>Item was approved by the Planning and Zoning Board on August 24, 2016.</i>

<i>Planner's Recommendation: Approval</i>

<i>Owner of Property: Richard Hidalgo and Robert Fernandez</i>
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FINAL DECISIONS

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-11 that granted an adjustment on property located at **640 East 17 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Yalier Diaz and Diana Ramirez*)

<i>Item was approved by the Planning and Zoning Board on August 10, 2016.</i>

<i>Planner's Recommendation: Approval with conditions.</i>
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<i>Owner of Property: Yalier Diaz and Diana Ramirez</i>

NEXT CITY COUNCIL MEETING: Tuesday, September 27, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 8, 2016 at 6:30 p.m.

BUDGET HEARINGS: Monday, September 12, 2016 and Monday, September 26, 2016

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).